

Appl. No. 10/608,501
Amdt. dated May 9, 2005
Reply to Office action of February 9, 2005

REMARKS/ARGUMENTS

Claim Rejections – 35 USC § 112

The Examiner rejects claim 21 as being indefinite for failing to point to out and distinctly claim the subject matter of the invention. More precisely, some elements of claim 21 lack antecedent basis. It is to be understood that claim 21 refers to claim 20 which has been withdrawn. The Applicant thus respectfully submits amended claim 21 which now includes the proper antecedent basis for “the payment module”, “the information” and “the distribution”.

Claim Rejections – 35 USC § 103

Claims 21 and 22 are rejected by the Examiner for being obvious in view of the teaching of Tadesco (US 6,085,888) (“Tadesco”). The Applicant understands that both the apparatus described by Tadesco and the instant inventions seem to be similar when described with words. However, there are some fundamental differences between both. First, the user ID disclosed by Tadesco is in fact a Redemption Code associated with a subscription. In other words, a user of the system of Tadesco can buy multiple articles at discount if he or she (for the sake of simplicity, only the masculine form when be used for the remaining of the response) buys a subscription to the machine instead of only a single item. Thus, when the user buys a subscription, he goes through the subscription procedure which ends by the reception of a redemption code by the user. When the user wants to buy an item pursuant to his subscription, he enters his redemption code and gets the item without paying again.

In the system of the Applicant, there is no such thing as a subscription to buy multiple articles at discount price. When the user of the Applicant’s system wants to buy an article, he enters his authorization code, selects one or a plurality of articles, pays for the available articles using the payment module, retrieves the articles. Only authorized users may purchase articles.

Appl. No. 10/608,501
Amdt. dated May 9, 2005
Reply to Office action of February 9, 2005

In fact, one of the major difference between both systems is the code. The code is a redemption code used to retrieve already paid articles at a later time. Moreover, in the system of Tadesco, anyone can buy a subscription since the system is oriented toward a public use. In the system of the Applicant, the code in an authorization code used to prevent unauthorized users to buy restricted or sensitive articles. We must keep in mind that as described in the Specifications, the system of the Applicant is mainly used in hospitals and other health care centers.

Concerning the rejection of claim 22, the Applicant respectfully disagrees with the Examiner over the fact the Tadesco allows a user to buy a plurality of articles during a single sale. It is understood that the subscription of Tadesco allows to buy several items but each of them at different time. In Tadesco's patent, column 8, lines 31 to 65, it is never mentioned that during the same sale, a user can retrieve a plurality of items when using a redemption code. Concerning non-subscription purchase (column 9, lines 21 to 55), it is disclosed that the user purchases a single item. More precisely, see column 9, line 26-27, "At step 1112, CPU 126 receives a request to purchase a product" (emphasis added). The method of claim 21 includes the possibility to buy multiple articles in the same sale.

Finally, in the system of the Applicant, the transaction or payment is done at the end of the purchasing procedure whereas in Tadesco's system, it is done at the beginning. This distinction might look small but in the Applicant's system, it allows the user to see the total cost of his purchase before deciding if he wants to pay for them. It simplifies the purchasing procedure since the user does not have to know *a priori* how much money to insert in the vending machine before purchasing articles.

Thus, to further distinguish his invention from Tadesco's, the Applicant respectfully submits amended claim 21 which further includes the limitation that the user ID is an authorization code. Amended claim 21 now also includes all the necessary antecedent.

Appl. No. 10/608,501
Amndt. dated May 9, 2005
Reply to Office action of February 9, 2005

The Applicant also respectfully submits new claims 33 to 41. Claims 33 to 41 are respectively claims 25-27 and 29-32 rewritten as independent claims without any references to non-elected embodiments. Claims 25-27 and 29-32 remain withdrawn.

In the Claims

Please replace old claim pages 15-22 containing claims 1-32 with new claim pages 15-30 containing claims 1-41.

In the Abstract

Old page 23 containing the Abstract is respectfully replace with new page 31 containing the Abstract. The change in page numbering has been done in order to keep a coherent and consecutive page numbering. The Abstract has not been amended.

Considering the above arguments, the Applicant respectfully requests that a timely Notice of Allowance be issued in this case for all pending claims.

Respectfully submitted,

BROUILLETTE & PARTNERS

By _____

Robert Brouillette
Reg. No. 31,930
1100 René-Lévesque Boulevard West
Suite 2300
Montréal, Québec, Canada H3B 4N4
Telephone: (514) 397-6900
Fax: (514) 395-8554

(07124-004)

Attachments: Clean claims replacement sheets;
Clean abstract replacement sheet.